

In Convention
Assembly Chambers
State Capitol

Sacramento

Monday Jan 20th 1879

Convention met pursuant
to adjournment.

In absence of the President
and President Protem the
Convention was called
to order by the Secretary.

Mr. Gully nominated for presi-
dential office. Mr. Murphy who
was declared elected
Roll was called and the
following members were absent

Roll-Call of Delegates to the Constitutional Convention, 1878.

NAMES.	Ayes	Noes	NAMES.	Ayes	Noes	NAMES.	Ayes	Noes	NAMES.	Ayes	Noes
ANDREWS	1		FAWCETT			LARUE	36		SHAFTER		
AYERS			FILCHER	95		LAVIGNE			SHOEMAKER	89	
BARBOUR	2		FINNEY			LEWIS	37		SHURTLEFF	37	
BARNES			FREEMAN	101		LINDOW	38		SMITH	58	
BARRY	90		FREUD	19		MANSFIELD	39		SMITH	59	
BARTON	3		GARVEY	20		MARTIN	40		SMITH	60	
BEERSTECHEER			GLASSCOCK			MARTIN	41		SMITH	61	
BELCHER			GORMAN			MARTIN			SOULE	61	
BELL	4		GRACE	94		McCALLUM			STEDMAN	88	
BERRY			GRAVES			McCOMAS	42		STEELE	62	
BIGGS	5		GREGG			McCONNELL			STEVENSON	63	
BLACKMER	6		HAGER			McCOY			STUART	64	
BOGGS			HALE	102		McFARLAND	43		SWEASEY	65	
BOUCHER	7		HALL			McNUTT	44		SWENSON	66	
BROWN	83		HARRISON			MILLER			SWING	67	
BURT	8		HARVEY			MILLS			TERRY		
CAMPBELL	9		HEISKELL	21		MOFFAT	45		THOMPSON	68	
CAPLES	10		HEROLD	22		MORELAND	46		TINNIN		
CASSERLY			HERRINGTON	23		MORSE	100		TOWNSEND	69	
CHAPMAN	91		HILBORN			MURPHY	47		TULLY	70	
CHARLES	11		HITCHCOCK	1		NASON	48		TURNER	71	
CONDON			HOLMES	24		NELSON			TUTTLE	72	
COWDEN			HOWARD	25		NEUNABER	49		VACQUEREL	73	
CROSS	96		HOWARD	26		NOEL			VAN DYKE		
CROUCH	12		HOWARD			O'DONNELL			VAN VOORHIES		
DAVIS	13		HUESTIS	91		OHLEYER	92		WALKER		
DEAN			HUGHEY	27		O'SULLIVAN	50		WALKER	74	
DOWLING	14		HUNTER	28		OVERTON	51		WALKER	75	
DOYLE	15		INMAN	1		PORTER			WATERS	76	
DUDLEY			JOHNSON	29		PROUTY	52		WEBSTER	77	
DUDLEY			JONES	30		PULLIAM	97		WELLER	1	
DUDLEY			JOYCE	31		REDDY			WELLIN		
DUNLAP	99		KELLY	82		REED			WEST	77	
EAGON			KENNY	82		REYNOLDS	53		WICKES	78	
EDGERTON			KEYS	92		RHODES			WHITE	79	
ESTEY	16		KLEINE	33		RINGGOLD	54		WILSON		
ESTEE			LAINÉ	34		ROLFE	55		WILSON		
EVEY	17		LAMPSON	98		SCHELL	56		WINANS	80	
FARRELL	18		LARKIN	35		SCHOMP			WYATT	81	
									Mr. PRESIDENT		

84
92
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3)

Leave of absence

Leave of absence was granted for one day to Messrs Rhodes, and Brewster, for two days to Mrs. M^cCallum, and for three days to Messrs Van Voorhis and Dudley of Solano.

On motion of Mrs. Freed the reading of the journal was dispensed with and the same approved.

Petitions

Mrs. Schell presented a petition from 63 citizens of Stanislaus County praying that the Convention adjourn Sine die

4)
on motion of Mrs. Brewster
of Santa Cruz the petition
was laid on the table.

By Mr. Blackmer.

from San Diego Co.

Mrs. Blackmer and Tully presented petitions requesting the exemption of certain property used for charitable, educational, and church purposes, from taxation.

Laid on the table, to be considered with the article on revenue and taxation.

Committee of the Whole.

on motion of Mrs. Waters
the convention resolved
itself into committee of the
whole. — Mrs. Murphy in the chair —
to consider the following
section, reported by the Com-
mittee on County, City and Town-
ship organizations: —

new constitution, to wit:

"SECTION —. The Legislature shall, at its first session, enact a law whereby the qualified voters of any county, voting precinct, town, or city, by a majority vote, from time to time, may determine whether the sale of intoxicating liquors shall be prohibited within the prescribed limits."

5) /

At 11 o'clock and 33-
minutes Mr. the Com-
mitter arose, reported and
~~that~~ and recommended that
the Section be stricken out.

Committee of the Whole

on motion of Mrs. Winans
of the Convention resolved
itself into Committee of
the Whole - Mrs. Murphy in the
Chair - to consider the fol-
lowing article reported
by the committee on
Education:

6
Amendment.

No. 523.

INTRODUCED BY COMMITTEE ON EDUCATION

DECEMBER 13TH, 1878.

READ, LAID ON TABLE, AND ORDERED PRINTED.

RELATIVE TO EDUCATION.

ARTICLE IX.

EDUCATION.

SECTION 1. A general diffusion of knowledge and intelligence being
2 essential to the preservation of the rights and liberties of the people, the
3 Legislature shall encourage, by all suitable means, the promotion of intellect-
4 ual, scientific, moral, and agricultural improvement.

SEC. 2. A Superintendent of Public Instruction shall, at the first
2 gubernatorial election after the adoption of this Constitution, and every four
3 years thereafter, be elected by the qualified voters of the State. He shall
4 receive a salary equal to that of the Secretary of State, and shall enter upon
5 the duties of his office on the first Monday of January next after his election.

SEC. 3. A Superintendent of Schools for each county shall be elected
2 by the qualified voters thereof at the first gubernatorial election, and every
3 four years thereafter; *provided*, that the Legislature may authorize two or
4 more counties to unite and elect one Superintendent for all the counties so
5 uniting.

7)

SEC. 4. The proceeds of all lands that have been or may be granted
2 by the United States to this State for the support of common schools which
3 may be, or may have been, sold or disposed of, and the five hundred thousand
4 acres of land granted to the new States under an Act of Congress distribu-
5 ting the proceeds of the public lands among the several States of the Union,
6 approved A. D. one thousand eight hundred and forty-one, and all estates of
7 deceased persons who may have died without leaving a will or heir, and also
8 such per cent. as may be granted, or have been granted, by Congress on the
9 sale of lands in this State, shall be and remain a perpetual fund, the interest
10 of which, together with all the rents of the unsold lands, and such other
11 means as the Legislature may provide, shall be inviolably appropriated to the
12 support of common schools throughout the State, subject to the provisions of
13 section six of this article.

SEC. 5. The Legislature shall provide for a system of common schools
2 by which a free school shall be kept up and supported in each district at least
3 six months in every year, after the first year, in which a school has been
4 established; and any school district neglecting to keep up and support such
5 a school shall be deprived of its proportion of the interest of the public fund
6 during such neglect.

SEC. 6. The public school system shall include primary and gram-
2 mar schools, and such high schools, evening schools, normal schools, and
3 technical schools, as may be established by the Legislature, or by municipal
4 or district authority; but the entire revenue derived from the State School
5 Fund, and the State school tax, shall be applied exclusively to the support of
6 primary and grammar schools.

SEC. 7. A State Board of Education, consisting of two members from

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consisting of two members from

2 each Congressional district, shall be elected by the qualified voters of the dis-
3 trict at the first gubernatorial election after the adoption of this Constitution,
4 who shall hold their office for the term of four years, and enter upon the
5 duties thereof on the first Monday of January next after their election; pro-
6 vided, that such members first so elected shall be divided into two equal
7 classes—each class consisting of one member from each district—and that the
8 first class shall go out of office at the expiration of two years from the com-
9 mencement of their term of office; and at each general biennial election, after
10 such gubernatorial election, one member of such Board shall be elected from
11 each Congressional district, so that one-half thereof shall be elected bien-
12 nially. The Superintendent of Public Instruction shall be ex officio a mem-
13 ber of such Board, and President thereof.

SEC. 8. The State Board of Education shall recommend a series of
2 text-books for adoption by the local Boards of Education, or by the Boards of
3 Supervisors, and County Superintendents of the several counties where such
4 local Boards do not exist, but such recommendation shall not be compulsory.
5 After the adoption of a series of text-books by said Boards, or any of them,
6 such books must be continued in use for not less than four years. The State
7 Board of Education shall also have control of the examination of teachers
8 and the granting of certificates. They shall possess such further powers and
9 perform such further duties as may be prescribed by law.

SEC. 9. No public money shall ever be appropriated for the support
2 of any sectarian or denominational school, or any school not under the exclu-
3 sive control of the officers of the public schools.

SEC. 10. The University of California shall constitute a public trust,
2 and its organization and government shall be perpetually continued in their

9
Sec. 10. The University of California shall constitute a public trust, and its organization & government shall

- Know: 3 existing form and character, subject only to such legislative control as may
4 be necessary to insure compliance with the terms of its endowments, and of
5 the several Acts of the Legislature of this State, and of the Congress of the
6 United States, donating lands or money for its support. It shall be entirely
7 independent of all political or sectarian influences, and kept free therefrom
8 in the appointment of its Regents, and in the administration of its affairs.

at 12 o'clock and 30
minutes P.M. The Committee
arose, reported progress
and asked leave to
sit again

Recess

The Snow Savings arrived
The Convention took a recess
till ~~two~~ two o'clock P.M.

10)

afternoon Session.

Convention re-assembled at
two o'clock P.M.

Mrs. Murphy in the Chair.

Quorum present.

Committee of the whole.

on motion of Mrs. White the
~~Convention resolved itself~~
into Petition

By Mrs. Felcher.

Messrs. Blackmer and Tully presented petitions, requesting the exemption of certain property used for charitable, educational, and church purposes, from taxation.

Laid on the table, to be considered with the article on revenue and taxation.

Committee of the whole.

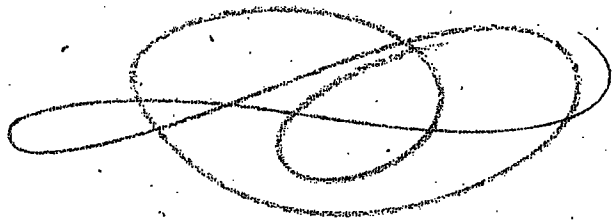
on motion of Mrs. White the
Convention resolved itself
into Committee of the whole -
Mrs. Murphy in the Chair - to further
consider the article on Education

11) June
at 4 o'clock and 55 minutes
P.M. the committee arose, re-
ported progress and asked leave
to sit again.

In Convention

Mr Murphy in the Chair.

At 4 o'clock and 55 minutes
P.M. on motion of Mr. Shoemaker
the Convention adjourned



1/20/79

2/1/79